

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L. NASH,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C06-5127 RJB/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Presently before the Court is Plaintiff's motion to compel (Dkt. # 66). After careful review of the discovery requests, the objections stated, and the papers of the parties, the Court finds that the motion to compel should be denied.

I. DISCUSSION

A. The Discovery Requests

Plaintiff requests an order compelling responses to requests for production and interrogatories served upon Defendants on August 14, 2006. (Dkt. # 66, p. 2). Plaintiff states that he sent a notice in compliance of his obligation to meet and confer with opposing counsel on

1 September 21, 2006. (Id.; Dkt. # 68). Plaintiff complains that he did not receive responses from
2 Defendants to his discovery requests within the thirty day deadline.

3 Defendants claim that at the time Plaintiff filed his notice, the parties had not yet spoken
4 about discovery. Since that time the parties did meet and confer and reached an agreement
5 extending the discovery deadline for thirty days until October 31, 2006, when Defendants provided
6 Plaintiff with the requested discovery. (Dkt. # 75, Exh. 1).

7 Plaintiff replies that Defendants have never clarified why there was a lapse of seventy days
8 prior to production of the materials and why some materials were produced in a redacted format.
9 (Dkt. # 77). In producing documents to Plaintiff, Defendants stated that no documents were being
10 withheld based on the attorney/client privilege. (Id., Exh. 1). However, Defendants advised Plaintiff
11 that some entries on the Legal Mail Log Sheet were blanked out, presumably to protect the identities
12 of other inmates. (Id.). Plaintiff was further advised that the documents were received by
13 Defendants in the blanked out version. (Id.).
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15 **B. Plaintiff's Motion to Compel/Request for Further Response**

16 Pursuant to Rule 26(b)(1) of the Federal Rules of Civil Procedure, parties may obtain
17 discovery of relevant information. Relevant information is defined as information that is "reasonably
18 calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1). Before a party
19 may bring a motion to compel discovery, he must make a good faith effort to meet and confer
20 regarding the outstanding discovery at issue. Fed. R. Civ. P. 37 (2)(b). A party must indicate that he
21 has met and conferred with the opposing party prior to filing a motion to compel as required by Local
22 Rule 37 (a) (2). Failure to do so is reason for denial of the motion.

23 Notwithstanding the timing of Plaintiff's notice of his attempt to confer in good faith, it is
24 clear that the parties eventually met and conferred and came to an agreement regarding an extension
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1 of time within which Defendants would provide their answers to Plaintiff. Plaintiff agrees that the
2 parties stipulated to the date of October 31, 2006. (Dkt. # 77, p. 2). In light of the parties'
3 agreement, any complaint of delay in production prior to that time is moot.

4 Plaintiff does not dispute that he received the requested discovery materials, but appears to
5 take issue with the fact that certain other inmate names have been redacted from the Legal Mail Log
6 Sheet. While Plaintiff is entitled to the discovery of information relevant to or reasonably calculated
7 to lead to the discovery of admissible evidence related to the facts and circumstances surrounding his
8 case, Plaintiff has provided no explanation to the Court for the need or relevancy of this information.
9 In addition, if there are further issues related to the discovery as produced, the parties must make
10 further good faith efforts to resolve it prior to requesting the Court's involvement.
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12 Accordingly, Plaintiff's motion to compel (Dkt. # 66) is **DENIED**.

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14 DATED this 21st day of December, 2006.

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18 Karen L. Strombom
19 United States Magistrate Judge
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